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09/991,373	11/16/2001	David G. Simpson	49122-0151 (49122-263821)	4454
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JOHN S. PRATT, ESQ			EXAMINER	
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			3738	17
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application   Application				1
Examiner    Examiner		Application No.	Applicant(s)	W.
Thomas J Sweet  Thomas J Sweet	v Office Action Summer:	09/991,373	SIMPSON ET AL.	
Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of time may be available under the provision of 3 °CFR 13 (a)c), in no event, however, may a repty be timely filed after 5X (6) MOSTHS from the mailing date of this communication, and the provision of time may be available under the provision of 30 °CFR 13 (a)c), the no event, however, may a repty be timely filed after 5X (6) MOSTHS from the mailing date of this communication, and the provision of the pr	Office Action Summary	Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  • Extractions of time many be available under the provisions of 37 CFR 1.35(b). In no event, however, may a reply be timely filled  • Extractions of time many be available under the provisions of 37 CFR 1.35(b). In no event, however, may a reply be timely filled  • If the period for reply specified above, the maximum statutory parties will expire SIX (5) MONTHS from the mailing date of the communication of the provision of the provis	7. 444,000 0477 441			<del></del>
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.35(a). In no event, however, may a reply be timely filled offer SX (6) MCNT IST from the mailing date of this communication.  If the period for reply specified above is less than think (70) drays, as reply within the action without the provision of the		appears on the cover sheet t	vitn the correspondence address	
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1-24 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  1-24 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  100  The drawing(s) filed on  is/are: allowed or bill objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: all approved by disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All by  Some * c) None of:  1  Certified copies of the priority documents have been received in Application No.  application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) all The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)	THE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication  - If the period for reply specified above is less than thirty (30) days,  - If NO period for reply is specified above, the maximum statutory properties to reply within the set or extended period for reply will, by second and the properties of the provided period for reply will, by second patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no event, however, may and a reply within the statutory minimum of the eriod will apply and will expire SIX (6) MC statute, cause the application to become a statute, cause the application to become	n reply be timely filed  irty (30) days will be considered timely.  DNTHS from the mailing date of this communication.  ABANDONED (35 U.S.C. § 133).	
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948	B) 5) Notice of		

Application/Control Number: 09/991,373

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## DETAILED ACTION

## Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, drawn to electroprocessed collagen.

Group II, claim(s) 9-12, drawn to engineered tissue.

Group III, claim(s) 13-17, drawn to construct.

Group IV, claim(s) 18-19, drawn to a method of delivery.

Group V, claim(s) 20-23, drawn to a method of manufacture.

Group VI, claim(s) 24, drawn to a method of evaluating.

The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The common special technical feature of "electroprocessed collagen" does not define a contribution over the prior art of 5709934 (column 6, lines 31-39).

A telephone call was made to John K. McDonald, Ph.D. on 9/10/2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Sweet whose telephone number is (703) 308-4018. The examiner can normally be reached on 6:30 am - 5:00pm, M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine M McDermott can be reached on (703) 308-2111. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

CORRINE McDERMOTT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

tjs